

REMARKS

The applicants have carefully considered the Office action dated December 17, 2009. By way of the forgoing amendments, claims 1 and 5 have been amended, and claims 6-10 remain withdrawn. No new subject matter has been added. Claim 1 is an independent claim.

In view of the foregoing amendments and the following remarks, reconsideration of the application is respectfully requested.

The Rejections under 35 U.S.C. § 112

Claims 1-5 stand rejected under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention. Claim 1 has been amended to positively recite the limitations of the claimed method. Additionally, claim 1 is amended to clarify that a heat source is moved in a predetermined direction set to be a direction in which parallax information exists. Claim 5 has been amended to recite that the computer hologram is composed of interference patterns being formed as a band-shaped element range (see for example, paragraph 21). The foregoing should eliminate any rejection under 35 U.S.C. §112 that may have been proper.

The Rejections under 35 U.S.C. § 102

Claims 1-2 and 4-5 stand rejected as being anticipated by Tawara (JP 08-258437). It is respectfully submitted that amended claims 1-5 are allowable over this patent for at least the reasons set forth below.

As amended, independent claim 1 is directed to a method of transferring a thermal transfer sheet in which a hologram or a diffraction grating is laminated in a base material film. The method includes moving a heat source in a direction that is set to be a direction in which parallax information exists. Tawara fails to describe the recited predetermined direction.

In particular, the recited method limits the heating direction at the moment of transfer by applying heat sequentially by moving a thermal head in the heating direction and limiting imperfections in the surface, thereby enhancing the desired optical effects. With respect to a hologram, the direction in which "the parallax information exists" is the direction in which a desired optical effect is obtained, that is, the direction of enhancing optical effects. According to claim 1, when the heating direction is set to be the direction in which parallax information exists, it is possible to transfer the hologram with limited damage.

In sharp contrast, Tawara is directed toward a back relief pattern 9 provided on a side of a thermal transfer sheet to be heated. Tawara describes a grid pattern as the back relief pattern 9 that is parallel and vertical to a running direction of the thermal head. (*Tawara*, paragraphs 8, 15). Therefore, the grid pattern of the back relief pattern 9 corresponds to the hologram laminated on the heat transferring unit sheet of the present claims. However, Tawara fails to describe the direction in which the parallax exists and the relation between that direction and the heating direction. In Tawara, the back relief pattern 9 is aimed at reducing friction by reducing a contact portion with the thermal head for avoiding a so-called "sticking phenomenon." Therefore, the back relief pattern 9 is not directed toward performing the optical effects of the relief pattern as claimed. (*Tawara*, paragraph 8).

Moreover, the back relief pattern 9 of Tawara is provided on the opposite side of the substance film when seen from the side of the transfer layers including the resin layer and the thin-film reflecting layer. In particular, the hologram to be transferred is provided on the surface of the resin layer. Therefore, it is apparent that Tawara does not contemplate the transfer of the back relief pattern 9 to the substrate.

Consequently, Tawara merely describes that the pitch of the relief pattern is specified in order to avoid sticking. Tawara fails to teach or suggest a transfer method that utilizes a predetermined direction for enhancing the optical effects of the relief pattern by determining the direction in which parallax information exists.

In addition, Hattori (US 2002/0168513) similarly fails to describe a relation between the heating direction and the direction on which parallax information exists.

Accordingly, because a "claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987), it follows that Tawara cannot anticipate claim 1 or any claims dependent thereon. Thus, for at least the foregoing reasons, it is respectfully submitted that claim 1 and all claims dependent thereon are in condition for allowance.

Rejoinder

Because amended claim 1 should be allowable, the applicants respectfully request rejoinder of dependent claims 6-10.

Conclusion

Reconsideration of the application and allowance thereof are respectfully requested. If there is any matter that the examiner would like to discuss, the examiner is invited to contact the undersigned representative at the telephone number set forth below.


The Commissioner is hereby authorized to charge any deficiency in the amount enclosed or any additional fees that may be required during the pendency of this application to Deposit Account No. 12-0400.

Respectfully submitted,

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Dated: _____

3/3/10



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